

societal patterns of discrimination, in particular financing constraints, that may limit opportunities for minorities and women in this as well as other businesses.

40. In the absence of such a record, the agency has limited its proposed special provisions in the competitive bidding process to entities that qualify as small businesses. It has defined two levels of small businesses: for purposes of bidding on an EA license, a small business is an entity that has average annual gross revenues for the three proceeding years of \$6 million or less, while a party bidding on a Regional license^{32/} will qualify as small business if it is an entity that, together with affiliates and attributable investors, has average gross revenues for the three preceding years of \$15 million or less.^{33/}

41. AMTA believes that these eligibility criteria are appropriate. They are consistent with the FCC's desire to promote the participation of small businesses in these services while ensuring that those who bid on licenses have the financial wherewithal to implement the systems they acquire. The Association also accepts as reasonable the proposed bidding credits of ten percent (10%) on EA authorizations and forty percent (40%) on Regional licenses.^{34/} Together, these provisions are sufficiently balanced as to encourage a wide variety of qualified bidders for both categories of authorization.

^{32/} In the event that the FCC proceeds with competitive bidding for the remaining nationwide licenses, despite AMTA's recommendations to the contrary, this same eligibility limit should be applied to those seeking such licenses.

^{33/} Notice at ¶¶ 171-2.

^{34/} Notice at ¶ 161.

V. CONCLUSION

42. For the reasons described herein, AMTA urges the Commission to proceed expeditiously to adopt the modified 220 MHz regulatory framework outlined above.

CERTIFICATE OF SERVICE

I, Cheri Skewis, a secretary in the law office of Lukas, McGowan, Nace & Gutierrez, hereby certify that I have, on this 27th day of September, 1995, placed in the United States mail, first class postage pre-paid, a copy of the foregoing Comments to the following:

***Chairman Reed E. Hundt**
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

***Commissioner James H. Quello**
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, DC 20554

***Commissioner Andrew C. Barrett**
Federal Communications Commission
1919 M Street, NW, Room 826
Washington, DC 20554

***Commissioner Rachelle B. Chong**
Federal Communications Commission
1919 M Street, NW, Room 844
Washington, DC 20554

***Commissioner Susan Ness**
Federal Communications Commission
1919 M Street, NW, Room 832
Washington, DC 20554

***Regina Keeney, Chief**
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

***John Cimko, Jr., Chief**
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

***Larry Atlas**
Associate Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

***Martin D. Liebman**
Engineer
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5202
Washington, DC 20554

Mark J. Golden
Vice President, Industry Affairs
Personal Communications Industry
Association
1019 19th Street, NW, Suite 1100
Washington, DC 20036

Alan S. Tilles, Esq.
David E. Weisman, Esq.
Meyer, Faller, Weisman and
Rosenberg, P.C.
4400 Jenifer Street, NW, Suite 380
Washington, DC 20015
Counsel for Personal Communications
Industry Association

Russell H. Fox, Esq.
Gardner, Carton & Douglas
1301 K Street, NW
Suite 900, East Tower
Washington, DC 20005
Counsel for E.F. Johnson Company
and Comtech Communications, Inc.

William J. Franklin, Esq.
1919 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006-3404
Counsel for Roamer One, Inc.

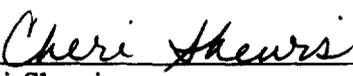
Thomas J. Keller, Esq.
Verner, Liipfert, Bernhard,
McPherson and Hand, Chartered
901 15th Street, NW
Suite 700
Washington, DC 20005-2301
Counsel for SEA, Inc.

Laura C. Mow, Esq.
Hunter & Mow, P.C.
1620 I Street, NW
Suite 701
Washington, DC 20006
Counsel for SMR Advisory Group, L.C.

David J. Kaufman, Esq.
Scott C. Cinnamon, Esq.
Brown Nietert & Kaufman, Chartered
1920 N Street, NW, Suite 660
Washington, DC 20036
Counsel for Incom Communications Corp.

Dennis C. Brown, Esq.
Brown and Schwaninger
1835 K Street, NW, Suite 650
Washington, DC 20006
Counsel for Fred Danial
d/b/a Orion Telecom

Robert A. Fay
President
Police Emergency Radio Services, Inc.
82 Herbert Street
Framingham, MA 01701



Cheri Skewis

* By Hand Delivery